



LAW OFFICE OF

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December 8, 2022

VIA ECF

Hon. Mary Kay Vyskocil
 United States District Judge
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 12/9/2022

Re: *Daniel Zerafa v. Midas Property Management Corp., et al.*
Docket No.: 22-cv-01755 (MKV)

Dear Judge Vyskocil:

This firm represents Plaintiff Daniel Zerafa, who brought the above-referenced matter against Defendants Midas Property Management Corp., Midas Management Assoc. Inc., The Herkimer Executive House, Inc., 29-33 Convent Avenue HDFC, Michael Padernacht, Daniel Padernacht, Christopher Lim, Gerard Karlen, and Nicholas Casucci (collectively as “Defendants”) for alleged violations of the Fair Labor Standards Act, New York Labor Law and New York common law. Having reached a settlement in principle, the Court entered an order directing the parties to submit a motion for approval of the parties’ settlement agreement, pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), by December 12, 2022. Plaintiff now writes jointly and with consent of all Defendants to request an extension of time to submit his motion for approval.

Specifically, Plaintiff’s counsel has been out of the office for several weeks caring for his spouse who had Covid-19 and then the undersigned subsequently contracted Covid-19 as well. Due to this illness, Plaintiff’s counsel only returned to work last week, once I tested negative for Covid-19. Additionally, the parties’ settlement in this matter involves a number of complex legal issues and many parties with divergent interests (and several sets of attorneys representing them), which also requires additional time to address and resolve and to finalize their formal settlement documents.

Accordingly, Plaintiff requests, jointly and with consent of all Defendants, a forty-five day extension of time to submit his motion for approval from December 12, 2022 until January 26, 2023.¹ This is Plaintiff’s first request for the relief sought herein. This extension, if granted, will not impact any other deadlines.

¹ This extension is also due, in part, to the upcoming, intervening holidays and attorney time out of the office during that period.

We thank the Court for its consideration of this request.

Respectfully submitted,

/S/ David D. Barnhorn, Esq.
DAVID D. BARNHORN, ESQ.

C: All Counsel of Record *via* ECF

Granted. SO ORDERED. No further extensions.

Date: Dec. 9, 2022
New York, New York


Mary Kay Vyskocil
United States District Judge